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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 LEONARD ROSS,

No. C 06-05601 CRB

12 Plaintiff,

ORDER OF DISMISSAL

13 v.

14 SAN FRANCISCO GENERAL HOSPITAL,

15 Defendant.
16 _____/

17 Now before the Court is plaintiff's application to proceed *in forma pauperis* ("IFP").
18 A court may authorize a plaintiff to prosecute an action in federal court without prepayment
19 of fees or security if the plaintiff submits an affidavit showing that he or she is unable to pay
20 such fees or give security therefor. See 28 U.S.C. § 1915(a). Plaintiff has submitted the
21 required documentation, and it is evident from his application that his assets and income are
22 insufficient to enable plaintiff to prosecute the action.

23 Viewing plaintiff's application in isolation, it appears that she should be allowed to
24 proceed IFP. A court is under a continuing duty, however, to dismiss a case whenever it
25 determines that the action "(i) is frivolous or malicious; (ii) fails to state a claim on which
26 relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from
27 such relief." 28 U.S.C. § 1915(e)(2)(B)(i)-- (iii).


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1 Plaintiff's complaint, filed just two days after his unpleasant experience, fails to state
2 a claim against the San Francisco General Hospital. If plaintiff's allegations are true,
3 plaintiff has good cause to be upset by how he was treated by Hospital staff on September 11
4 of this year. The Hospital's challenged conduct, however, does not rise to the level of a
5 violation of plaintiff's civil rights. According to plaintiff, he left the hospital of his own
6 accord "without incident." The nurse who allegedly shouted at plaintiff even told him where
7 he could file a complaint with the patient advocate. This is not a federal case. If plaintiff
8 wishes to pursue this matter further he should file a written grievance with the Hospital's
9 patient advocate.

10 For the foregoing reasons, plaintiff's complaint is DISMISSED with prejudice.

11 **IT IS SO ORDERED.**

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13 Dated: September 25, 2006

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California